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26889	7590	10/19/2007		
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			EXAMINER PATEL, HARESH N	
			ART UNIT 2154	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/691,553

Applicant(s)

COUTTS ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 39-47 are subject to examination. Claims 1-38 are cancelled.

Drawings

2. The figure submitted on 8/2/2007 is acknowledged.

Response to Arguments

3. Applicant's arguments filed 8/2/07, have been fully considered but they are not persuasive. Therefore, rejection of the claims is maintained.
4. Regarding the applicant's concern for, R-D, column 7 merely discusses data stored remotely from an ATM, Automated Teller Machine. That data includes 1) data which serves to identify customers, such as passwords (column 7, lines 1 - 7), 2) audio and video instructions to be given to customers (column 7, lines 20 - 31), 3) financial data about customers' accounts (column 7, lines 8 - 19), and 4) advertising-type data (column 7, line 33 et seq.) None of that shows "receiving a request from the third party application to use one of the peripheral devices of the self- service terminal" as claimed; column 2, lines 19-59. However, that location contains (i) objects of the R-D invention and (2) before the objects, two stated purposes of the R-D invention. As to (2), the two stated purposes are to (A) increase security and (B) marketing products to users. Neither of those show accessing a remote third party application by the customer, as claimed, column 4, line 60 - column 5, line 14, merely describes a generic ATM; column 14, line 38 column 15, line 46 of R-D shows nothing of the kind. -- It states that a "thank you message" is displayed. -- It states that customers can review their transaction, and collect

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items dispensed. -- It describes events which occur in the terminal if the customer leaves. -- It states that instructions can be given in different ways, to different customers, such to deaf persons. -- It states that different advertising can be given to different customers. Therefore, the claim recitation has not been shown in R-D.

The examiner respectfully disagrees in response to applicant's arguments. The disclosure of the Ramachandran-Diebold is not limited as mentioned above. Further, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977). Similar applies to the concluded assertions for the concerned portions of the DELEOELECTRONIC DRUMMOND-DIEBOLD references. Therefore the rejections are maintained.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 39-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramachandran et al., 6,023,688, Diebold, Incorporated (Hereinafter Ramachandran-Diebold).

7. Referring to claims 39, RAMACHANDRAN-DIEBOLD discloses a method of operating a self-service terminal having a number of peripheral devices and a terminal application which controls the peripheral devices (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14) the method comprising the steps of:

presenting to a self-service terminal user an option of accessing a remote third party application to obtain a service from the third party application while the user is at the self-service terminal (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14); receiving a request from the third party application to use one of the peripheral devices of the self-service terminal in response to the user accessing the third party application to obtain the service from the third party application (e.g., col., 7, lines 8 – col., 64); using the terminal application to determine if the request received from the third party application should be granted (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14); and if so activating the peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third

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party application when the request from the third party application to use the peripheral device is granted, and thereby to allow the user to obtain the service via the peripheral device (e.g., col., 14, lines 38 – col., 15, line 46).

8. Referring to claim 40, RAMACHANDRAN-DIEBOLD discloses the claimed limitations as rejected above. RAMACHANDRAN-DIEBOLD also discloses monitoring terminal usage during operation of the third party application to ensure that the user is still present (e.g., col., 14, lines 38 – col., 15, line 46).

9. Referring to claim 41, RAMACHANDRAN-DIEBOLD discloses the claimed limitations as rejected above. RAMACHANDRAN-DIEBOLD also discloses sending a response to the third party application to indicate the status of the request received from the third party application (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14).

10. Referring to claim 42, RAMACHANDRAN-DIEBOLD discloses a self-service terminal comprising: a peripheral device; a terminal application which controls the peripheral devices; and a controller (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14) for (i) receiving a request from a remote third party application to use the peripheral device in response to the user accessing the third party application to obtain a service from the third party application while the user is at the self-service terminal, (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14) (ii) using the terminal application to determine if the request received from the third party application should be granted, (e.g., col., 7, lines 8 – col., 64); and (iii) activating the

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selected peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application at any time (e.g., col., 14, lines 38 – col., 15, line 46).

11. Referring to claim 43, RAMACHANDRAN-DIEBOLD discloses the claimed limitations as rejected above. RAMACHANDRAN-DIEBOLD also discloses wherein the peripheral device includes a user input device (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14).

12. Referring to claim 44, RAMACHANDRAN-DIEBOLD discloses the claimed limitations as rejected above. RAMACHANDRAN-DIEBOLD also discloses wherein the peripheral device includes a display device (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14).

13. Referring to claim 45, RAMACHANDRAN-DIEBOLD discloses a self-service terminal comprising: a cash dispenser for dispensing cash to a self-service terminal user conducting a self-service cash dispensing transaction (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14); a peripheral device for presenting information to the user; a memory storing a terminal application which controls the peripheral device; and a processor (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14) for (i) receiving a request from a remote third party application which is different from the terminal application to use the peripheral device to present third party information to the user, (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14)(ii) determining if the request from the third party application should be fulfilled, (e.g., col., 7, lines 8 – col., 64); and (iii) if so, using the peripheral device under control of the terminal application

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such that control of the peripheral device is not passed to the third party application at any time to present the user with the third party information and thereby to fulfill the request (e.g., col., 14, lines 38 – col., 15, line 46).

14. Referring to claim 46, RAMACHANDRAN-DIEBOLD discloses the claimed limitations as rejected above. RAMACHANDRAN-DIEBOLD also discloses wherein the peripheral device includes a display device (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14).

15. Referring to claim 47, RAMACHANDRAN-DIEBOLD discloses the claimed limitations as rejected above. RAMACHANDRAN-DIEBOLD also discloses wherein the peripheral device includes a display device (e.g., col., 2, lines 19 – col., 59, col., 4, line 60 – col., 5, line 14).

16. Claims 39-47 are rejected under 35 U.S.C. 102(e) as being anticipated by De Leo et al., Electronic Data Systems Corporation, 6,381,626 (Hereinafter DeLeoElectronic).

17. Referring to claims 39, DELEOELECTRONIC discloses a method of operating a self-service terminal having a number of peripheral devices and a terminal application which controls the peripheral devices (e.g., col., 3, lines 2 – 48), the method comprising the steps of:

presenting to a self-service terminal user an option of accessing a remote third party application to obtain a service from the third party application while the user is at the self-service terminal (e.g., col., 3, lines 2 – 48); receiving a request from the third party application to use one of the peripheral devices of the self-service terminal in response to the user accessing the third

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party application to obtain the service from the third party application (e.g., col., 4, lines 8 – 51); using the terminal application to determine if the request received from the third party application should be granted (e.g., col., 7, lines 31 – 64); and if so activating the peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application when the request from the third party application to use the peripheral device is granted, and thereby to allow the user to obtain the service via the peripheral device (e.g., col., 8, lines 5 – 58).

18. Referring to claim 40, DELEOELECTRONIC discloses the claimed limitations as rejected above. DELEOELECTRONIC also discloses monitoring terminal usage during operation of the third party application to ensure that the user is still present (e.g., col., 7, lines 31 – 64).

19. Referring to claim 41, DELEOELECTRONIC discloses the claimed limitations as rejected above. DELEOELECTRONIC also discloses sending a response to the third party application to indicate the status of the request received from the third party application (e.g., col., 8, lines 5 – 58).

20. Referring to claim 42, DELEOELECTRONIC discloses a self-service terminal comprising: a peripheral device; a terminal application which controls the peripheral devices; and a controller (e.g., col., 3, lines 2 – 48), for (i) receiving a request from a remote third party application to use the peripheral device in response to the user accessing the third party

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application to obtain a service from the third party application while the user is at the self-service terminal (e.g., col., 3, lines 2 – 48), (ii) using the terminal application to determine if the request received from the third party application should be granted (e.g., col., 7, lines 31 – 64); and (iii) activating the selected peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application at any time (e.g., col., 8, lines 5 – 58).

21. Referring to claim 43, DELEOELECTRONIC discloses the claimed limitations as rejected above. DELEOELECTRONIC also discloses wherein the peripheral device includes a user input device (e.g., col., 3, lines 2 – 48).

22. Referring to claim 44, DELEOELECTRONIC discloses the claimed limitations as rejected above. DELEOELECTRONIC also discloses wherein the peripheral device includes a display device (e.g., col., 3, lines 2 – 48).

23. Referring to claim 45, DELEOELECTRONIC discloses a self-service terminal comprising: a cash dispenser for dispensing cash to a self-service terminal user conducting a self-service cash dispensing transaction (e.g., col., 3, lines 2 – 48); a peripheral device for presenting information to the user; a memory storing a terminal application which controls the peripheral device; and a processor (e.g., col., 3, lines 2 – 48) for (i) receiving a request from a remote third party application which is different from the terminal application to use the peripheral device to present third party information to the user (e.g., col., 3, lines 2 – 48), (ii) determining if the

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request from the third party application should be fulfilled (e.g., col., 4, lines 8 – 51) and (iii) if so, using the peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application at any time to present the user with the third party information and thereby to fulfill the request (e.g., col., 8, lines 5 – 58).

24. Referring to claim 46, DELEOELECTRONIC discloses the claimed limitations as rejected above. DELEOELECTRONIC also discloses wherein the peripheral device includes a display device (e.g., col., 3, lines 2 – 48).

25. Referring to claim 47, DELEOELECTRONIC discloses the claimed limitations as rejected above. DELEOELECTRONIC also discloses wherein the peripheral device includes a display device (e.g., col., 3, lines 2 – 48).

26. Claims 39-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Drummond et al., 2001/0014881, Diebold Incorporated (Hereinafter Drummond-Diebold).

27. Referring to claims 39, DRUMMOND-DIEBOLD discloses a method of operating a self-service terminal having a number of peripheral devices and a terminal application which controls the peripheral devices (e.g., paragraphs 97 – 99, figures 3,12), the method comprising the steps of:

presenting to a self-service terminal user an option of accessing a remote third party application to obtain a service from the third party application while the user is at the self-service

terminal (paragraphs 55 – 59); receiving a request from the third party application to use one of the peripheral devices of the self-service terminal in response to the user accessing the third party application to obtain the service from the third party application (e.g., paragraphs 58 – 60); using the terminal application to determine if the request received from the third party application should be granted (e.g., paragraphs 61 – 63); and if so activating the peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application when the request from the third party application to use the peripheral device is granted, and thereby to allow the user to obtain the service via the peripheral device (e.g., paragraphs 64 – 66).

28. Referring to claim 40, DRUMMOND-DIEBOLD discloses the claimed limitations as rejected above. DRUMMOND-DIEBOLD also discloses monitoring terminal usage during operation of the third party application to ensure that the user is still present (e.g., paragraphs 58 – 60).

29. Referring to claim 41, DRUMMOND-DIEBOLD discloses the claimed limitations as rejected above. DRUMMOND-DIEBOLD also discloses sending a response to the third party application to indicate the status of the request received from the third party application (e.g., paragraphs 58 – 60).

30. Referring to claim 42, DRUMMOND-DIEBOLD discloses a self-service terminal comprising: a peripheral device; a terminal application which controls the peripheral devices;

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and a controller (e.g., paragraphs 97 – 99, figures 3,12) for (i) receiving a request from a remote third party application to use the peripheral device in response to the user accessing the third party application to obtain a service from the third party application while the user is at the self-service terminal (paragraphs 55 – 59); (ii) using the terminal application to determine if the request received from the third party application should be granted (e.g., paragraphs 58 – 60); and (iii) if so, activating the selected peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application at any time (e.g., paragraphs 64 – 66).

31. Referring to claim 43, DRUMMOND-DIEBOLD discloses the claimed limitations as rejected above. DRUMMOND-DIEBOLD also discloses wherein the peripheral device includes a user input device (e.g., paragraphs 97 – 99, figures 3,12).

32. Referring to claim 44, DRUMMOND-DIEBOLD discloses the claimed limitations as rejected above. DRUMMOND-DIEBOLD also discloses wherein the peripheral device includes a display device (e.g., paragraphs 97 – 99, figures 3,12).

33. Referring to claim 45, DRUMMOND-DIEBOLD discloses a self-service terminal comprising: a cash dispenser for dispensing cash to a self-service terminal user conducting a self-service cash dispensing transaction (e.g., paragraphs 97 – 99, figures 3, 12); a peripheral device for presenting information to the user; a memory storing a terminal application which controls the peripheral device; and a processor (e.g., paragraphs 97 – 99, figures 3,12) for (i) receiving a

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request from a remote third party application which is different from the terminal application to use the peripheral device to present third party information to the user (paragraphs 55 – 59) (ii) determining if the request from the third party application should be fulfilled (e.g., paragraphs 58 – 60); and (iii) if so, using the peripheral device under control of the terminal application such that control of the peripheral device is not passed to the third party application at any time to present the user with the third party information and thereby to fulfill the request (e.g., paragraphs 64 – 66).

34. Referring to claim 46, DRUMMOND-DIEBOLD discloses the claimed limitations as rejected above. DRUMMOND-DIEBOLD also discloses wherein the peripheral device includes a display device (e.g., paragraphs 97 – 99, figure 3).

35. Referring to claim 47, DRUMMOND-DIEBOLD discloses the claimed limitations as rejected above. DRUMMOND-DIEBOLD also discloses wherein the peripheral device includes a display device (e.g., paragraphs 97 – 99, figure 3).

Conclusion

Multiple references are used for the rejections to demonstrate that several references disclose the broadly claimed subject matter of the claims. Further, the claims contain “if” conditional statements regarding the limitations.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HARESH PATEL

PRIMARY EXAMINER

October 14, 2007